

1 Honorable Mary Jo Heston
2 Misc. Proceeding
3
4

5 **IN THE UNITED STATES BANKRUPTCY COURT FOR THE
6 WESTERN DISTRICT OF WASHINGTON**

7 **UNITED STATES TRUSTEE**

8 Plaintiff

9 v.

10 **THOMAS MCAVITY, and NORTHWEST
DEBT RELIEF LAW FIRM,**

11 Defendants

12 Misc. P. No. 20-00400-MJH

13 DECLARATION OF MATTHEW J.P.
14 JOHNSON IN SUPPORT OF MOTION BY
15 THE UNITED STATES TRUSTEE FOR
16 ORDER COMPELLING COMPLIANCE
17 WITH DISCOVERY

18 I, Matthew J.P. Johnson, declare under penalty of perjury, as follows:

19 I am more than 18 years of age and am competent to testify to the contents herein.

20 I am a Trial Attorney in the Office of the United States Trustee, United States Department
21 of Justice, Region 18, Seattle, Washington, and represent Acting United States Trustee for Region
22 18, Gregory M. Garvin, in this action.

23 Attached hereto as Exhibit A is a true and correct copy of the Plaintiff United States
24 Trustee's Interrogatories and Requests for Production to Defendant Thomas McAvity (the "Rogs
& RFPs"), which I propounded and served on Defendant's counsel on or around October 27, 2020.

25 On the same date, October 27, 2020, Defendant sent an email to the United States Trustee
26 requesting that the deadline for production be moved to December 2, 2020, because thirty-days

27 DECLARATION

28 Office of the United States Trustee
29 700 Stewart St., Suite 5103
30 Seattle, WA 98101-1271
31 Phone: 206-553-2000,
32 Fax: 206-553-2566

1 from the date of service was November 26, 2020, which was the Thanksgiving Holiday. I
2 responded on the same date and agreed to the extension.

3 Defendants emailed me again on November 25, 2020, asking for a time to confer because
4 Defendants did not feel they would be able to comply with the regular 30-day discovery timeline.
5 At the conclusion of that discussion, Defendants and I agreed to set over the trial date to allow for
6 additional time for the Defendants to complete the production of Discovery.

7 I emailed Defendants on December 7, 2020, with a list of new potential trial dates. I never
8 received a response from the Defendant, so I sent a follow-up email on December 17, 2020,
9 inquiring as to how much additional time Defendants required for production and which trial date
10 would work best for the Defendants. Defendants replied on December 21, 2020, that they would
11 like until January 15, 2021, to complete the production.

13 The Defendants and I corresponded on January 20, 2021, when we were preparing the
14 stipulation that was filed with the Court on January 7, 2021. The Defendants did not produce any
15 discovery on January 15, 2021, and no discovery has been produced through the date of this
16 declaration.

17 Attached hereto as Exhibit B and Exhibit C is a true and correct copy of the email
18 exchanges between myself and the Defendants. Redactions have been made for FRCP 408
19 communications.

21 DATED this Wednesday, January 20, 2021,

22 /s/ Matthew J.P. Johnson
23 Matthew J.P. Johnson, WSBA #40476
24 Attorney for the United States Trustee

DECLARATION

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700 Stewart St., Suite 5103
Seattle, WA 98101-1271
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Fax: 206-553-2566